

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
No. 1:12-cv-00014 – MR-DLH

EARL HOYLE and wife PATRICIA HOYLE,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., successor by
merger to WELLS FARGO BANK
MINNESOTA, N.A., as trustee f/k/a
NORWEST BANK MINNESOTA, N.A., as
trustee for the registered holders of
RENAISSANCE HOME EQUITY LOAN
ASSET-BACKED CERTIFICATES, series
2004-1, and OCWEN LOAN SERVICING,
LLC

Defendants.

**CONSENT MOTION TO REMAND
TO THE
SUPERIOR COURT DIVISION OF
HAYWOOD COUNTY**

NOW COME Defendants Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Minnesota, N.A., as trustee f/k/a Norwest Bank Minnesota, N.A. as trustee for the registered holders of Renaissance Home Equity Loan Asset-Backed Certificates, Series 2004-1 ("Wells Fargo") and Ocwen Loan Servicing, LLC ("Ocwen") (collectively referred to herein as the "Defendants"), by and through the undersigned, and respectfully moves this Court to remand this matter back to jurisdiction of the Superior Court Division of Haywood County, North Carolina in which it was originally filed. In support of this Motion, Defendants show unto the Court:

1. This matter was filed by the Plaintiffs in the Super Court Division of Haywood County, North Carolina and is concerning foreclosure of a Deed of Trust

recorded the Haywood County Registry (“Foreclosure”) secured by property located in Haywood County (“Property”)

2. However, it has come to the attention of Defendants that Plaintiffs now reside in the state of Florida. Defendant Ocwen is also a resident of Florida.

3. Upon discovering this information, Defendants conducted research to find out how much time had passed since Plaintiffs changed their residency to Florida.

4. Thereafter and through discussions with counsel for Plaintiffs, all parties agree that proper jurisdiction of this lawsuit rests with the Superior Court of Haywood County in that complete diversity does not exist between Plaintiffs and Defendant Ocwen.

WHEREFORE, Defendants with consent of all parties hereto, pray this Court that this matter be remanded to the jurisdiction of the Superior Court Division of Haywood County, North Carolina for adjudication.

Respectfully submitted this the 1st day of March, 2012.

THE LAW FIRM OF HUTCHENS, SENTER, & BRITTON, P.A.

BY: /s/ Hilton T. Hutchens, Jr.
Hilton T. Hutchens, Jr.
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Attorney for the Defendants

CERTIFICATE OF SERVICE

This will certify service of a copy of the foregoing **CONSENT MOTION TO REMAND** by the CM/ECF online filing system with the U.S. District Court for the Western District of North Carolina which will automatically send email notification to all counsel of record and by U.S. Mail upon the following:

M. Chase Wells, Esq.
John L. Ammons, Esq.
Brown, Ward & Haynes, P.A.
370 North Main Street
Suite 300
Waynesville, North Carolina 28786

This 1st day of March, 2012.

THE LAW FIRM OF HUTCHENS, SENTER, & BRITTON, P.A.

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